

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America

v.

STEVEN RAY GARNER,

CRIMINAL COMPLAINT

CASE NUMBER: 25-04077-MJ-01-PCT-CDB

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

COUNT 1

On or about March 4, 2025, in the County of Coconino, in the District of Arizona, the defendant, STEVEN RAY GARNER knowingly, did have in his possession goods and chattels of a value \$1,000 or more, that is Nike shoes, which had been stolen from a BNSF train while moving in interstate commerce from California to Arizona, knowing the goods and chattels to be stolen, in violation of Title 18, United States Code, Section 659.

I further state that I am a Special Agent for Homeland Security Investigations (HSI) and that this complaint is based on the following facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein.

Continued on the attached sheet and made a part hereof: Yes No

AUTHORIZED BY: AUSAs Ryan McCarthy and Maria Gutierrez



Digitally signed by RYAN
MCCARTHY
Date: 2025.03.06
09:49:58 -07'00'

Bryonna Cooke, SA for HSI
Name of Complainant

Sworn to telephonically before me

Date

HONORABLE CAMILLE D. BIBLES
United States Magistrate Judge
Name & Title of Judicial Officer

at Flagstaff, Arizona

City and State

Camille D.
Bibles

Signature of Judicial Officer

Digitally signed by Camille D. Bibles
Date: 2025.03.06 10:44:09 -07'00'



STATEMENT OF PROBABLE CAUSE

I, Brynna Cooke, a Special Agent for Homeland Security Investigations (HSI), being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with HSI and have been so employed since April 2024.

Prior to my employment with HSI, I served as a United States Customs and Border Protection Officer for approximately four years. I am a law enforcement officer of the United States, and I am empowered by law to conduct criminal investigations, make arrests, and serve search and arrest warrants.

2. As a Special Agent with HSI, your Affiant investigates criminal violations of United States law, including import and export violations, controlled substances law violations, and money laundering violations. Your Affiant is familiar with investigations involving stolen vehicle organizations, theft rings, possession, manufacture, distribution, and importation of controlled substances, as well as methods used to finance drug transactions. As an HSI Special Agent, your Affiant has been trained in conducting narcotics and money laundering investigations and received specialized training concerning violations of the Controlled Substances Act contained within Title 21 of the United States Code. I am currently assigned to the HSI Flagstaff Office located in Flagstaff, Arizona, where we investigate transnational criminal organizations to include money laundering and drug trafficking organizations operating throughout the United States.

3. By virtue of my employment as a Special Agent, your Affiant has performed various tasks, which include, but are not limited to:

- a. functioning as a surveillance agent, thus observing and recording movements of persons involved in violations of United States Code as well as violations of Arizona State law;

- b. functioning as a case agent, entailing the supervision of specific investigations involving various crimes throughout the United States; and
- c. conducting complex investigations involving transnational criminal organizations committing various crimes throughout the United States.

4. I have consulted with other experienced investigators concerning the practices of transnational criminal organizations and the best methods of investigating them. In preparing this affidavit, I have conferred with other Special Agents and law enforcement officers. Furthermore, I have personal knowledge of the following facts or have learned them from the individual(s) mentioned herein.

5. Based on the below facts, your Affiant submits there is probable cause that Steven Ray GARNER committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment, in violation of Title 18, United States Code (U.S.C.) § 659.

BACKGROUND

6. Over the past 15 years, several Transnational Criminal Theft Organizations have been burglarizing Burlington Northern Santa Fe (BNSF) Railway as well as Union Pacific trains throughout the Southwest of the United States to include Arizona. These organizations consist primarily of Mexican citizens from the Mexican State of Sinaloa who operate out of Arizona and California, with extensive connections throughout California, Arizona, and New Mexico. The train burglaries have increased in frequency over the past two years.

7. Scouts usually target high value containers on the BNSF railway on Eastbound trains that parallel Interstate 40 near Needles, California. Once the organization targets a particular train of interest, they typically find a location for several train burglars to get on the train. Once on the train, the burglars open container doors while the train is moving and target merchandise to steal such as electronics, tools and wearing apparel. The burglars often target containers with visible high-security locks and use reciprocating saws, bolt-cutters, or similar tools to defeat the locking mechanisms. Once the burglars target a specific container that has desirable merchandise, the burglars often cut train braking

system air hose, which causes the train to go into an emergency stop (commonly referred to as "UDE"), which is a sudden and dramatic application of all the brakes on the train. By cutting an air hose, the burglars' control when and where the train is stopped in order to unload the cargo they target to burglarize. This act is very dangerous and can cause a train to derail, which could ultimately cause serious injury or death to BNSF employees or citizens. The burglars have also sabotaged the train signal system by cutting the locks off signal boxes and then by cutting the control wires inside. This is also a dangerous act that creates dark areas on the rail network, requiring non-traditional train dispatching functions and extensive repairs. High-value trains travel at speeds up to 70 MPH on multiple tracks in both east and west direction. The train crews and train dispatchers rely on the signals for safe transportation.

8. The burglars on the train communicate with follow vehicles utilizing cellular devices, and those follow vehicles surveil the train until it stops, either at a natural stopping point or when the burglars cause the stop, to unload the freight. Once the burglars unload the merchandise from the container that is on the train, the burglars often hide the product in fields or brush adjacent to the BNSF tracks to conceal it until it can be picked up at a later time. The location of the stolen merchandise is then shared by the train burglars with the use of cellular telephones to the surveillance crew who are following the train. A U-Haul, box truck, cargo panel van, or pickup trucks are used to pick up the stolen merchandise if law enforcement is not detected. Once the stolen merchandise has been picked up, it is usually transported to California where it is sold or fenced to wholesale online retailers such as third-party Amazon and eBay resellers.

CURRENT INVESTIGATION

9. On March 4, 2025, BNSF train ZLACMEM604 was traveling eastbound when it stopped to allow westbound trains to pass at Giffith, Arizona at railroad mile marker 527 in the Seligman Subdivision. The train was stopped from approximately 4:15 p.m. until 5:10 p.m. During the stop, the BNSF conductor onboard the train observed a white box truck, a silver van, and a white van in the vicinity of the train and believed they were actively being burglarized. The conductor observed the white box truck depart

westbound on Interstate 40, at approximately interstate mile marker 37, and the two vans remain at the railroad tracks. BNSF Police requested assistance from Mohave County Sheriff's Office (MCSO) in stopping the box truck.

10. Arizona Department of Public Safety (DPS) was notified by MCSO regarding the call for agency assistance. DPS Trooper Gomez was observing westbound Interstate 40 traffic when he observed a white box truck at interstate mile marker 10 traveling in the right lane under the posted speed limit. When the box truck passed his marked patrol vehicle, Trooper Gomez observed the driver, later identified as Steven Ray GARNER, immediately face forward and sink into the driver's seat.

11. Trooper Gomez began to follow the white box truck bearing California license plate 7J98332. At approximately interstate mile marker 9, Trooper Gomez activated his emergency lights to affect a traffic stop on the box truck. The box truck failed to yield to Trooper Gomez by remaining westbound on Interstate 40 and increasing speed to 75 miles per hour.

12. At approximately interstate mile marker 8, Trooper Gomez observed the box truck enter the center dirt median in a construction zone and cross over to eastbound Interstate 40. The box truck then slowed down to approximately 40-45 miles per hour. Trooper Gomez then observed the box truck drive onto the dirt shoulder on the right then back onto eastbound Interstate 40, before pulling over on the right shoulder again where he thought the box truck was going to flip over on its side due to the excess speed. The box truck came to a stop at approximately mile marker 9. Trooper Gomez observed an unidentified male wearing a green sweater and dark colored pants exit the passenger side door of the box truck, jump over the fence, and run into state land off the Interstate. Law enforcement attempted to locate the unidentified male individual for several hours but were ultimately unsuccessful.

13. Trooper Gomez observed the cab of the vehicle was still occupied and called out the driver. Upon GARNER opening the driver's side door, Trooper Gomez smelled a skunk odor which he believed to be burnt marijuana based off his training and experience.

When Trooper Gomez gave commands to GARNER, he observed GARNER exhibited slow and delayed reactions to his commands. When Trooper Gomez placed GARNER in handcuffs, he smelled a strong odor of burning marijuana. Incident to the arrest, Trooper Gomez discovered a glass marijuana pipe in GARNER's front right pocket of his pants. Trooper Gomez asked GARNER if he knew the male subject who ran, GARNER responded he did not know his name.

14. Trooper Gomez and a MCSO deputy conducted a safety sweep of the box truck. During the sweep of the rear cargo compartment, Trooper Gomez observed numerous cardboard boxes. DPS Sergeant Clark later responded to the traffic stop and recognized the Nike master cases bearing, "STYLE: IB7936-001" as Nike shoes.

15. Trooper Gomez read GARNER his *Miranda* rights in the English language. GARNER nodded his head when asked if he understood his rights. GARNER made the following statements which are not captured verbatim but recorded on Trooper Gomez' body camera. GARNER said he had come to the area to visit a friend. GARNER said the guy in the car was yelling and screaming at him and threatening his life. GARNER said when he visited his friend, he met other individuals, one of whom told him he was going to drive a truck. GARNER requested a lawyer. Trooper Gomez told GARNER that he was being charged with felony flight, trafficking in stolen property, and burglary of a train. GARNER stated that he "did not know that part."

16. I reviewed photos taken of the rear cargo compartment and believe there are approximately 250 Nike master cases. Based on my training and experience as well as familiarity with this investigation, I know that master cases are utilized to ship Nike products and not available to the public. Additionally, I know that master cases contain usually six to twelve pairs of shoes in their retail boxes per master case. The markings on the outside of the master case indicate the shoe style, size, and quantity per box.

17. Open-source research shows that STYLE: IB7936-001 unreleased and will not be available to the public until April 1, 2025. Each pair has a manufacturer's

suggested retail price of \$200. With approximately 250 master cases, each containing six pairs of shoes, the approximate value of shoes stolen in the box truck is \$300,000.

18. I learned from BNSF Special Agent Porter that the Nike shoes were stolen from container TIIU 4457216 which was a container aboard BNSF train ZLACMEM604. I conducted Department of Homeland Security import research related to container TIIU 4457216 and learned that on January 14, 2025, container TIIU 4457216 was shipped on Motor Vessel MSC GUNDE MAERSK, voyage 505N, which departed from Pusan, Busan, Republic of Korea, and arrived at the Los Angeles, California, Seaport on February 28, 2025. After its arrival, container TIIU 4457216 was transferred to BNSF for transportation along the Transcontinental railroad. On March 4, 2025, the train traveled from California into Arizona where the theft occurred.

CONCLUSION

19. For these reasons, your Affiant submits that there is probable cause to believe that Steven Ray GARNER committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment, in violation of Title 18, United States Code (U.S.C.) § 659.

20. I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Bryonna Cooke

Bryonna Cooke
Special Agent
Homeland Security Investigations

Sworn telephonically and subscribed electronically this 6th day of March 2025.

Camille D. Bibles

Digitally signed by Camille D.
Bibles
Date: 2025.03.06 10:43:46
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HONORABLE CAMILLE D. BIBLES
United States Magistrate Judge